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**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. 000000

Towing company rotation list.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; requiring the department
2 of transportation to adopt an annually calculated schedule of
3 towing and recovery fees; requiring tow truck and recovery
4 carriers to adhere to fee requirements to be included on the
5 rotation list; requiring rulemaking; conforming a provision;
6 and providing for effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section** **1.** W.S. 31-5-102(a) (lix) and
11 31-5-1701(b) (vii), (ix) and by creating a new paragraph (x)
12 are amended to read:

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1 **31-5-102. Definitions.**

2
3 (a) Except as otherwise provided, as used in this act:

4
5 (lix) "This act" means W.S. 31-5-101 through

6 ~~31-5-1601~~ 31-5-1701;

7
8 **31-5-1701. Towing companies; rotation list.**

9
10 (b) Rules adopted by the department pursuant to this
11 section shall include:

12
13 (vii) Provision for reprimand or suspension from
14 the rotation list for a period of up to one (1) year or
15 removal from the rotation list for a period in excess of one
16 (1) year as determined by the director of the department, for
17 carriers that:

18
19 (A) Violate the criteria to be on the
20 rotation list;

21
22 (B) For services provided pursuant to a
23 rotational call, charge fees in excess of the schedule of

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1 customary and reasonable fees required by paragraph (x) of
2 this subsection;

3
4 (C) For services provided pursuant to a
5 rotational call, charge fees in excess of the tow truck or
6 recovery carrier's summary rate disclosure document that is
7 on file with the department as required under paragraph (ix)
8 of this subsection.

9
10 (ix) A requirement that a tow truck or recovery
11 carrier file a summary rate disclosure document which states
12 typical fees for commonly used towing and recovery
13 procedures, including ~~but not limited to such items as~~ daytime
14 and nighttime call rates, hook-up fees, winch fees, labor
15 costs, mileage charges and vehicle storage charges. In any
16 action where the fee charged by a towing company is in issue:
17

18 (A) A fee that is at or below the amount on
19 the schedule of customary and reasonable fees required by
20 paragraph (x) of this subsection shall be prima facie evidence
21 that the fee is fair and reasonable;

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1 (B) The burden of proof to show that the fee
2 is fair and reasonable shall be upon the towing company.

3

4 (x) A schedule of customary and reasonable fees
5 calculated annually for commonly used towing and recovery
6 procedures based upon a sampling of typical fees used by
7 commercial tow truck and recovery carriers in Wyoming and a
8 review of prevailing fees in other states or regions.

9

10 **Section 2.** Not later than July 1, 2023 the department
11 of transportation shall promulgate rules to implement this
12 act.

13

14 **Section 3.**

15

16 (a) Except as provided in subsection (b) of this
17 section, this act is effective July 1, 2023.

18

19 (b) Sections 2 and 3 of this act are effective Section
20 2 immediately upon completion of all acts necessary for a
21 bill to become law as provided by Article 4, Section 8 of the
22 Wyoming Constitution.

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(END)